

Christopher K. Oliveira
John M. Semmens
Kristen Meredith
CROWLEY FLECK PLLP
900 N. Last Chance Gulch, Suite 200
P.O. Box 797
Helena, Montana 59624-0797
Telephone (406) 449-4165
E-Mail: coliveira@crowleyfleck.com
E-Mail: jsemmens@crowleyfleck.com
E-Mail: kmeredith@crowleyfleck.com

Attorneys for Defendants and Appellants

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

Karis Newbary and Brandie Hoy,

Plaintiffs and Appellees,

v.

Enterprise RAC Company of
Montana/Wyoming, LLC; Devin Hutton;
Jordan Cobb; And Doe Defendants 1-3,

Defendants and Appellants.

NOTICE OF APPEAL

NOTICE is given that Enterprise RAC Company of Montana/Wyoming, LLC, Devin Hutton, and Jordan Cobb (collectively referred to as “Enterprise” or “Appellants”), the above-named Appellants who are the Defendants in the cause of action filed in the Montana Fourth Judicial District, Missoula County, as Cause No. DV 21–12, hereby appeal to the Montana Supreme Court from the Order

Denying Defendants’ Motion to Sever Plaintiffs’ Claims and Order Denying Defendants’ Motion to Change Venue of Plaintiff Brandie Hoy’s Claims entered in such action on January 13, 2023. That Order is immediately appealable pursuant to Mont. R. App. P. 6(3)(f).

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is subject to the mediation process required by Mont. R. App. P. 7, because Appellees’ underlying action seeks “monetary damages/recovery” in excess of \$5,000, as contemplated by Mont. R. App. P. 7(2)(c).
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).
3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this Notice of Appeal.
4. That included herewith is the filing fee prescribed by statute.

Dated this 10th day of February, 2023.

By /s/ Christopher K. Oliveira

CROWLEY FLECK PLLP

Attorneys for Defendants and Appellants

CERTIFICATE OF SERVICE

I, Christopher K. Oliveira, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 02-10-2023:

Carey Schmidt (Attorney)
1917 S. Higgins
Missoula MT 59801
Representing: Karis Newbary, Brandie Hoy
Service Method: eService

David C. Berkoff (Attorney)
1917 S. Higgins
Missoula MT 59801
Representing: Karis Newbary, Brandie Hoy
Service Method: eService

John M. Semmens (Attorney)
900 N. Last Chance Gulch
Suite 200
Helena MT 59601
Representing: Enterprise RAC Company of Montana/Wyoming, LLC, Devin Hutton, Jordan Cobb
Service Method: eService

Kristen Zadick Meredith (Attorney)
900 N. Last Chance Gulch
Suite 200
Helena MT 59601
Representing: Enterprise RAC Company of Montana/Wyoming, LLC, Devin Hutton, Jordan Cobb
Service Method: eService

Amy McGhee (Clerk of District Court)
200 West Broadway Street
Missoula MT 59802
Service Method: eService
E-mail Address: amcghee@missoulacounty.us

Katherine Oman (Court Reporter)
200 W BROADWAY ST
MISSOULA MT 59802-4216
Service Method: eService

E-mail Address: Katherine.Oman@mt.gov

Electronically Signed By: Christopher K. Oliveira
Dated: 02-10-2023